

September 30, 1999

Status of State Plans for Municipal Solid Waste Landfills

Overview

The following three tables show which states, localities, and territories have submitted negative declarations or state plans to EPA to cover existing municipal solid waste (MSW) landfills.¹ We (EPA) are providing the tables to help you (the public, governments, and industry) see what MSW landfills are subject to either a state plan or to a federal plan. States must send us their plans for regulating existing MSW landfills. For states that don't submit plans to us, we must prepare and enforce our federal plan. We proposed this federal plan December 16, 1998 and expect to finalize it in fall 1999. State plans and the federal plan implement and enforce the requirements of the MSW landfill air emission guidelines that appeared in the *Federal Register* on March 12, 1996.

Indian tribes have the option of submitting tribal plans, though none has so far. If an existing MSW landfill is located in Indian Country and a Tribe lacks an effective tribal plan, our federal plan will cover the landfill.

Table 1 lists those areas that have submitted negative declarations, Table 2 lists areas that have effective state plans, and Table 3 lists areas that have not submitted negative declarations and do not currently have an effective state plan.

Table 1 - States, Localities and Territories that Submitted Negative Declarations

Existing MSW landfills located in states, localities, and territories that submit negative declarations will be subject to our federal plan. A negative declaration can be made only in either of two cases:

- There are no existing MSW landfills.
- There are no existing MSW landfills that require installing and operating a gas collection and control system.²

A negative declaration must include a report of the landfill's design capacity if the state, locality, or territory has landfills that fit into the second bulleted category.

¹ Existing MSW landfills are those that: 1) commenced construction, reconstruction or modification before May 30, 1991 and have not been modified or reconstructed on or after that date and 2) have accepted waste since November 8, 1987 or have capacity for future waste deposition.

² MSW landfills that have a design capacity of 2.5 million megagrams and 2.5 million cubic meters or larger must install a gas collection and control system if they emit 50 megagrams

If the permitted design capacity of the landfill increases so that it meets the threshold for installing and operating a gas collection and control system, then we will consider the landfill new and treat it under the New Source Performance Standard for MSW landfills rather than under the emission guidelines.

Table 1	
State, locality, territory	Negative declaration submitted?
District of Columbia	Yes
New Hampshire	Yes
Philadelphia, Pennsylvania	Yes
Rhode Island	Yes
Vermont	Yes

Table 2 - States, localities and territories with a state plan that is EPA-Approved and Effective

Existing MSW landfills in states, localities and territories that have EPA-approved and effective state plans are subject to the state plan and not our federal plan. Exceptions:

- The whole state plan or a part of it is vacated (made legally void).
- The state plan is changed to make it less stringent than the emission guidelines.

Table 2	
State, local, territory	Effective date of state plan
Alabama	December 7, 1998
Allegheny County, Pennsylvania	April 16, 1999
Arizona	November 19, 1999
California	November 22, 1999
Colorado	September 28, 1998
Delaware	November 16, 1999
Florida	August 3, 1999
Georgia	January 12, 1999
Illinois	January 22, 1999

State, local, territory	Effective date of state plan
Iowa	June 22, 1998
Kansas	May 19, 1998
Kentucky	June 21, 1999
Louisiana	October 28, 1997
Maryland	November 8, 1999
Minnesota	September 25, 1998
Missouri	June 23, 1998
Montana	September 8, 1998
Nashville, Tennessee	February 16, 1999
Nebraska	June 23, 1998
Nevada	November 19, 1999
New Mexico	February 10, 1998
New York	September 17, 1999
North Dakota	February 13, 1998
Ohio	October 6, 1998
Oklahoma	May 18, 1999
Oregon	August 25, 1998
South Carolina	October 25, 1999
South Dakota	August 2, 1999
Tennessee	November 29, 1999
Texas	August 16, 1999
Utah	March 16, 1998
Wyoming	July 31, 1998

Table 3 - States, localities, and territories without a negative declaration and without a state plan that is EPA-approved and effective

federal plan when it becomes final unless we approve a state plan and it becomes effective.³ States, localities, and territories that have submitted state plans that we are reviewing (column 2) or that are expecting to submit a state plan (column 3) and do, will be subject to their state plans if we approve them. If we receive a state plan after the federal plan is final, we will review the state plan and approve it if it meets the criteria for an approvable state plan.⁴ Existing landfills are likely to be subject to our final federal plan in states, localities, and territories that are not expected to submit a state plan (column 4). If such a state, locality, or territory requests and is granted delegation of the federal plan, then it (not EPA) will implement and enforce the federal plan.

Table 3			
State, locality, territory	State or tribal plan under EPA review, ✓	State or tribal plan to EPA by, date	No state or tribal plan expected. Has state or Tribe taken delegation of federal plan?, Yes or No
Alaska			No
Albuquerque, New Mexico			No
American Samoa			No
Arkansas		?	
Chattanooga, Tennessee		September 1999	
Clark County, Nevada		1999	
Connecticut			No
Guam			No
Hawaii		1999	

³ A state plan becomes effective on the date specified in the notice published in the *Federal Register* announcing EPA’s approval. The federal plan becomes effective 60 days after the final federal plan is published in the *Federal Register*.

⁴ The criteria for an approvable state plan are described in the document, Municipal Solid Waste Landfills, Volume 2: Summary of the Requirements for Section 111(d) State Plans for

State, locality, territory	State or tribal plan under EPA review, ✓	State or tribal plan to EPA by, date	No state or tribal plan expected. Has state or Tribe taken delegation of federal plan?, Yes or No
Idaho		October 1999	
Indiana		October 1999	
Knox County, Tennessee	✓		
Massachusetts			No
Michigan		Fall 1999	
Mississippi			No
New Jersey		?	
North Carolina	✓		
Northern Mariana Islands			No
Pennsylvania	✓		
Puerto Rico		?	
Virgin Islands			No
Virginia		1999	
Washington		?	
West Virginia	✓		
Wisconsin			No

Disclaimer

We have provided these tables as a matter of convenience. The information is correct to the best of our knowledge, but, it isn’t controlling in determining whether a MSW landfill is subject to a state or tribal plan or to our federal plan. If this information is inaccurate, please notify Ms. Mary Ann Warner at (919) 541-1192 or at warner.maryann@epa.gov.